REMARKS

Applicants appreciate the through examination as evidenced by the Office Action of December 23, 2005. In particular, Applicants appreciate the withdrawal of the previous rejections and issuance of a non-final Office Action. Applicants respectfully submit that the pending claims are patentable over the newly cited references for at least the reasons discussed herein. Accordingly, allowance of the pending claims is respectfully requested in due course.

The Section 103 Rejections

A. Claims 1-7, 10-16, 24-29, 32-33, 35, 42-44 and 46-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over United States Patent Publication No. 2001/0034771 to Hutsch (hereinafter "Hutsch") in view of *HTML's META-tag: HTTP-EQUIV* by Alan Richmond (hereinafter "Richmond"). Applicants respectfully submit that many of the recitations of these claims are neither disclosed nor suggested by the cited combination. For example, Claim 1 recites:

> A method of incrementally rendering content in a content framework:
> receiving a request for a portal page, wherein one or more portlets provide content for the portal page;
> **immediately returning a response message containing a first document, the first document representing results from portlets which have acquired their content**; and
> **programmatically generating a mechanism for delivering an updated document if the first document does not represent results of all portlets**.

Claims 32 and 46 contain corresponding system and computer program product recitations, respectively. Applicants respectfully submit that at least the highlighted recitations of Claim 1 are neither disclosed nor suggested by the cited combination.

The Office Action states that the following portion of Hutsch and corresponding Figures 7 and 8 teach the immediately returning step of Claim 1 (*See* Office Action, page 3):

> [0100] Hence, upon retrieving the requested content using the handle provided by UCB 113, **web-top manager 111 loads, for example, a template and fills in all user specific content in the template using the retrieved content. The completed template is transmitted to client device 102i for display**. Alternatively, web-top manager 111

> retrieves a stylesheet and uses the stylesheet to transform the content into a format that can be displayed on client device 102i.

See Hutsch, paragraph 100. In other words, the cited portion of Hutsch discusses loading a template with content and providing "the completed template" to the client device. Thus, all the information is gathered and then the "completed template" is transmitted to the client device. In contrast, Claim 1 recites receiving a request for a portal page and **immediately returning** a first document representing results from portlets which have acquired their content. Thus, according to some embodiments of the present invention, the first document is returned immediately **before all the information is gathered**, *i.e.*, before all the portlets have acquired their content. Accordingly, nothing in the cited portion of Hutsch discloses or suggests the immediately returning step of Claim 1 for at least the reasons discussed above.

The Office Action further states that the following portions of Hutsch teach "if the first document does not represent results of all portlets" as recited in Claim 1 (*See* Office Action, page 3). Hutsch states:

> [0127] A second embodiment of presentation and logic service 323 uses controller servlets, JAVA beans as models, and JAVASERVER PAGES objects as views. As explained more completely below, in this embodiment a JAVA bean forms a connection with universal content broker 113 to retrieve data. A servlet extracts the desired information from the data and inserts the information in a JAVASERVER PAGE object that in turn is used to generate a page that can be returned for display on user device 102i or 102j.
>
> [0128] A second task of middle tier 302 is to provide access points for all kinds of clients in client tier 301, to manage user sessions for clients in client tier 301, and to provide specialized functionality to different kinds of clients in client tier 301. As explained more completely below, this specialized functionality is provided by middle tier 302 (i) supplying dynamically generated pages that can be displayed on the user device, e.g., HTML/WML/XML pages, (ii) linking requests from components in client tier 301 to actions on data objects, or (iii) hosting one of a plurality of remote applications 310, which are executed on a server machine for a client in client tier 301, but the user interface for the application is displayed on client device 102i.

See Hutsch, paragraphs 127 and 128. The cited portion of Hutsch discusses the use of JAVA beans and dynamically generated pages. Nothing in the cited portion of Hutsch discloses or suggests the determination of whether the first document represents results of the all portlets as

recited in Claim 1. Thus, Claim 1 is patentable over Hutsch for at least these additional reasons.

The Office Action admits that Hutsch does not explicitly disclose "programmatically generating a mechanism for delivering an updated document" as recited in Claim 1. *See* Office Action, page 3. However, the Office Action points to Richmond as providing the missing teachings. *See* Office Action, page 5. Applicants respectfully disagree. The cited portion of Richmond discusses a META tag "that can be used by caches to determine when to fetch a fresh copy of the associated document." *See* Richmond, page 1. In other words, the data may be updated when the timer expires. In contrast, Claim 1 recites "programmatically generating a mechanism for delivering an updated document if the first document does not represent results of all portlets." In other words, according to some embodiments of the present invention, an updated document may be generated **if** the document does not include all of the portlets. Nothing in the cited portion of Richmond discloses or suggests the programmatically generating step of Claim 1 for at least the reasons discussed herein.

Accordingly, none of the cited references either alone or in combination disclose or suggest many of the recitations of Claim 1 set out above. Furthermore, there is no motivation or suggestion to combine the cited references as suggested in the Office Action. As affirmed by the Court of Appeals for the Federal Circuit in *In re Sang-su Lee*, a factual question of motivation is material to patentability, **and cannot be resolved on subjective belief and unknown authority**. *See In re Sang-su Lee*, 277 F.3d 1338 (Fed. Cir. 2002). It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." *W.L. Gore v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983).

The Office Action states:

> It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Richmond for the benefit of Hutsch, because to do so would allow a programmer to automatically refresh a document as taught by Richmond in p. 1, middle of page discussing the HTTP-EQUIV = "Expires" attribute. These references were all applicable to the same field of endeavor, i.e., web pages/service design.

See Office Action, pages 3-4. This motivation is a motivation based on "subjective belief and unknown authority", the type of motivation that was rejected by the Federal Circuit in *In re*

Sang-su Lee. In other words, the Office Action does not point to any specific portion of the cited references that would induce one of skill in the art to combine the cited references as suggested in the Office Action. If the motivation provided in the Office Action is adequate to sustain the Office's burden of motivation, then anything in the "same field of endeavor" would render a combination obvious. This cannot be the case. Accordingly, the statement in the Office Action with respect to motivation does not adequately address the issue of motivation to combine as discussed in *In re Sang-su Lee*. Thus, it appears that the Office Action gains its alleged impetus or suggestion to combine the cited references by hindsight reasoning informed by Applicants' disclosure, which, as noted above, is an inappropriate basis for combining references.

Furthermore, even if Hutsch and Richmond could be properly combined, the combination of Hutsch and Richmond would teach loading a template with content and providing "the completed template" to the client device, the completed template having the capability of being refreshed upon expiration of a timer. Accordingly, even if the cited referenced could be properly combined, the cited combination fails to disclose or suggest the recitations of Claim 1.

Accordingly, Applicants respectfully submit that Independent Claims 1, 32 and 46 are patentable over the cited combination for at least these additional reasons. Furthermore, the dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants submit that Independent Claims 1, 32 and 46 and the claims that depend therefrom are in condition for allowance, which is respectfully requested in due course.

By way of further example, Claim 24 recites:

> A method of incrementally rendering content in a content framework, comprising:
> receiving a request for a portal page, wherein one or more portlets provide content for the portal page;
> **immediately returning a response message containing a first document, the first document representing results from portlets which have acquired their content**; and
> **automatically delivering an updated document if the first document does not represent results of all portlets**.

Claim 24 is rejected based on the same portions of Hutsch and Richmond discussed with respect to Claim 1. *See* Office Action, page 12. Applicants respectfully submit that at least the highlighted recitations of Claim 24 are neither disclosed nor suggested by the cited combination.

Claim 24 recites "automatically delivering" instead of "programmatically generating" as recited in Claim 1. But for this, the method steps of Claim 24 are the same as those discussed above with respect to Claim 1 and, thus, are patentable over the cited combination for at least the reasons discussed above with respect to Claim 1.

By way of final example, Claim 25 recites:

> A method of incrementally rendering content in a content framework, comprising:
> receiving a request for a portal page frame, wherein one or more portlets provide content for the portal page frame;
> **immediately returning a response message containing a first mini-document, the first document representing results from portlets which have acquired their content**; and
> **programmatically generating a mechanism for delivering an updated mini-document if the first mini-document does not represent results of all portlets**.

Claim 42 contains corresponding system recitations. Claim 24 is rejected based on the same portions of Hutsch and Richmond discussed with respect to Claim 1. *See* Office Action, page 13. Applicants respectfully submit that at least the highlighted recitations of Claim 25 are neither disclosed nor suggested by the cited combination. Claim 25 contains "immediately returning" and "programmatically generating" recitations similar to those recited in Claim 1. Accordingly, Applicants respectfully submit that Claims 25 and 42 are patentable over the cited combination for at least the reasons discussed above with respect to Claim 1. Furthermore, the dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Accordingly, Applicants submit that Independent Claims 25 and 42 and the claims that depend therefrom are in condition for allowance, which is respectfully requested in due course.

B. The Dependent Claims

Claims 2-7, 10-16, 26-29, 33, 35, 43-44 and 47-49 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hutsch in view of Richmond. Claims 8-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hutsch in view of Richmond in further view of United States Patent No. 6,453,361 to Morris (hereinafter "Morris"). Claims 17-22, 30-31, 34, 36-40, 45 and 50-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hutsch

in view of Richmond in further view of *SAMS Teach Yourself Web Publishing with HTML 4 in 21 Days, 2nd Edition* by Laura LeMay (hereinafter "LeMay"). Claims 23 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hutsch in view of Richmond in further view United States Patent Publication No. 2002/0026500 to Kanefsky *et al.* (hereinafter "Kanefsky"). As discussed above, the dependent claims are patentable at least per the patentability of the independent base claims from which they depend. Many of the dependent claims are also separately patentable.

For example, Claim 16 recites:

> The method according to Claim 2, further comprising:
> receiving a subsequent request for the portal page, the subsequent request having been automatically sent responsive to receiving the refresh trigger; and
> returning a subsequent response comprising the updated document, responsive to receiving the subsequent request, **the updated document being a subsequent version of the first document and representing results from portlets which have acquired their content thus far and which omits the refresh trigger only if all portlets have now acquired their content.**

Claims 35 and 49 contain corresponding system and computer program product recitations, respectively. The Office Action admits that Hutsch does not specifically disclose the recitations of Claim 16. *See* Office Action, page 11. However, the Office Action points to Richmond as providing the missing teachings. The cited portion of Richmond discusses a META tag that is not invoked for 90 seconds. *See* Richmond, page 2. In contrast, Claim 16 recites returning an updated document including results from portlets which have acquired their content and omitting the refresh trigger only if all portlets now have acquired their content. Nothing in Richmond discloses or suggests omitting the refresh trigger as recited in Claim 16. Accordingly, Claims 16, 35 and 49 are separately patentable over the cited references for at least these additional reasons.

By way of further example, Claim 21 recites:

> The method according to Claim 17, further comprising:
> **detecting that one or more of the portlets which had not acquired their content when the first document was returned in the response message have now acquired their content**; and
> sending, responsive to detecting, a subsequent response message containing a revised version of the first document, the revised version representing results from the one or more portlets and being embedded in a subsequent part of the multipart document.

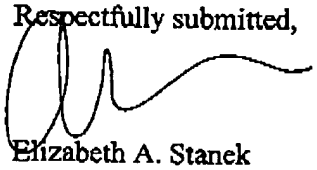
The Office Action admits that Hutsch does not disclose the recitations of Claim 21. *See* Office Action, page 23. However, the Office Action points to LeMay as providing the missing teachings. *See* Office Action, page 23. Applicants note that although the Office Action specifically states that LeMay provides the missing teachings, the specific references on page 25 of the Office Action are to Richmond. Thus, Applicants have drafted the response as if Claim 21 was rejected in view of Hutsch and Richmond. The cited portion of Richmond discusses a META tag that is not invoked for 90 seconds. *See* Richmond, page 2. In contrast, Claim 21 recites detecting that one or more of the portlets which had not acquired their content when the first document was returned in the response message have now acquired their content. Nothing in Richmond discloses or suggests these recitations of Claim 21. Accordingly, Claim 21 is separately patentable over the cited references for at least these additional reasons.

Furthermore, as discussed above, each of the dependent claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of some combination of Hutsch, Richmond, Morris, LeMay and Kanefsky. Applicants respectfully submit that there is no motivation or suggestion to combine the cited references as suggested in the Office Action. The motivations provided in the Office Action are motivations based on "subjective belief and unknown authority", the type of motivation that was rejected by the Federal Circuit in *In re Sang-su Lee*. In other words, the Office Action does not point to any specific portion of the cited references that would induce one of skill in the art to combine the cited references as suggested in the Office Action. Furthermore, even if the references could be properly combined, the combination of Hutsch and Richmond would not disclose or suggest the recitations of many of the dependent claims. Accordingly, the dependent claims are separately patentable over the cited combination for at least these additional reasons.

CONCLUSION

Applicants respectfully submit that pending claims are in condition for allowance, which is respectfully requested in due course. Favorable examination and allowance of the present application is respectfully requested.

Respectfully submitted,



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